

STAFFORD COUNTY
AGRICULTURAL AND PURCHASE OF DEVELOPMENT
RIGHTS COMMITTEE MINUTES
September 26, 2011

The meeting of the Stafford County Agricultural and Purchase of Development Rights Committee for Monday, September 26, 2011, was called to order at 7:00 p.m. by Chairman Tom Coen in the County Administration Conference Room of the County Administration Building.

Members Present: Coen, Clark, Adams, and O'Hara

Members Absent: McClevey and Hunt

Staff Present: Lott and Medina

1. Call to Order

Mr. Coen: Okay 7:00 and I would like to start on time.

Mr. Adams: Do we have a quorum?

Mr. Coen: Yes we do, we have four of us, it's a quorum. Could you call the roll for us?

Mr. Medina: Sure.

Mr. Coen: We love to give you your time on the microphone.

Ms. Medina: Tom Coen.

Mr. Coen: Here.

Ms. Medina: Robert Hunt. Absent. Gail Clark.

Mrs. Clark: Here.

Ms. Medina: Marty McClevey. Absent. Peter O'Hara.

Mr. O'Hara: Here.

Ms. Medina: Jeff Adams.

Mr. Adams: Here.

Ms. Medina: We have a quorum.

2. Approval of Minutes – August 22, 2011 PDR minutes

Mr. Coen: Thank you very much. Okay, the first item on the agenda is approval of the minutes but I believe we received an email saying that...

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Mr. Lott: Unfortunately, they were not done in time to get those out to you. They will be ready for the next meeting.

Mr. Coen: Excellent, thank you.

Mr. Adams: Do we make a motion to table them or we just...

Mr. Coen: No.

Mr. Lott: We are just down staff right now in the admin department.

Mr. Coen: Okay, so staff update.

3. Staff Update

- PDR Managers Meeting

Mr. Lott: Okay, I went with Kathy two weeks ago to the PDR managers meeting, I will give you a brief update of what we talked about at that meeting. There were several staff members from local jurisdictions who gave presentations on transfer of development rights programs. Spotsylvania County is currently going through the process that we are trying to get a TDR program established within Spotsylvania so he gave a presentation on that process. A couple people from Frederick County, they currently have the only established TDR program, came and presented as well and I think with the economy they have this TDR program in place but since there is no growth, nothing's happening. Nothing is sending or receiving any developments rights right now. I do have both presentations in a pdf format if you guys would like to see them, I could email them out or Kathy could email them to you if you would like to see them. That was that.

Mr. Adams: I have got a question. When you get involved in TDR programs, do the developers have to go out and find these people on their own or is there kind of a list that you could provide to say you might want to go talk to these people?

Mr. Lott: I haven't seen our ordinance but I would imagine we would know because if somebody wants to do this, you know this is going to start the process of how many development rights they are willing to give up on their property. It would be something like how we do it for the PDR, so it probably would come to us and we will tell them how many rights they could give up and to sell on the market. I assume we would keep some kind of list.

Mrs. Clark: It wouldn't be as formal an application as we have with PDR.

Mr. Lott: There will be a formal application as well.

Mrs. Clark: Will this committee be involved with that at all or is that going to go through somebody else.

Mr. Lott: I have no idea. I think they are still talking about whether they are going to have a TDR manager or how this all this is going to run. All I know right now is that the focus is around the Brooke station area.

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Mr. Coen: Yeah, on the Comp plan there was a sub-committee that had Mrs. Kurpiel, Doug Sullivan and myself and we looked at it and a lot of the other communities will have a manager who does it and part of what they do is, if there is a certain area that you want to be givers then that manager will go out and just make people aware of the program and whatnot. So they try to recruit, I wouldn't say recruiting but they let everybody know but then they send people out to talk to people. But it's all up in the air for us because its been delineated to what we are doing here.

Mrs. Clark: Right now, as I understand it, the pilot program is going to be both, the buyers and the sellers will be in the Brooke area, is that right?

Mr. Lott: I don't know exactly how it is, to be honest, I don't know if they are focusing on the Brooke UDA...

Mrs. Clark: The reason why you would have to do that, I mean, if there was somebody in Brooke who wanted to put more concentrated development, why couldn't they run out to Jeff...

Mr. Lott: Yeah. Right now that wouldn't make a whole lot of sense to me because without sewer and water in that Brooke area there is no way to increase density and get bigger in the receiving area.

Mr. Adams: If you look at Montgomery County, it seems like all the growth is over here and all the purchasing is taken.

Mr. Lott: That is how it should be. Really, in the long term when the program really gets working it should be, you know, White Oak and Hartwood should be sending them to the Route 1 area.

Mr. Coen: And one of the big controversy's with that was the attitude that it should be my end or your end of the County that is sending the development rights into where you want to go. But then the second was, this is my favorite, but Lee Simmons widow has a chuck of land right in Leeland Station and, you know, do you have that be a transfer that you could send it from that. Keep an open space in a development area which would make it a better quality of life and send it two or three plots over to the Leeland Station and make that. That was a big fight between certain members...

Mr. Adams: I guess I could start doing TDR if a developer came to me. I could say no, I don't like your project.

Mr. Coen: Exactly.

Mr. Adams: You know, so I could kind of hold out a transfer along the 17 corridor to 610 as opposed to, like you say, letting somebody do something that I don't approve of. Okay.

Mr. Coen: Yeah, I mean, in theory you could do a lot more. Okay, continue.

Mr. Lott: I will talk a little bit more about, you know, the funding form VDACS a little bit later. But also at the meeting we went on the round table and everybody talked about where they are in their own PDR programs and it's pretty much the same. Virginia Beach, Fauquier and Albemarle have money and are doing things.

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Mrs. Clark: And no one else does.

Mr. Lott: And nobody else has any money and are pretty much sitting on it right now. Sarah Richardson, who works with DCR on their Virginia Land Conservation Funding, she discussed... I think the Governor just put out an announcement last week. You know, they put out 2.4 million dollars in grant funding and of that money, I think 17 of the 27 applications received money. One of those was actually a PDR project up in Fauquier, so that is probably something we should start looking at in the next round of funding if we start to bring in some money. Because when I read about it, it seems that you can use other source of funding like the VDACS money as a match so it might be something to look at in the future. Especially, if you have a project, you know, already identified that you are interested in that would help us come up with the money to do something. That was really about it. They talked about the next conference, which will be next spring, if anybody is interested I will let you know the date as it comes along, if you want to attend. And that was really it for that part of the staff update.

Mr. Coen: Okay, any questions for them? Alright, you want to move on, well the next one, technically is the application funding so.

4. New Business

- Virginia Department of Agriculture and Consumer Services – Application Round for Funding

Mr. Lott: Yeah, we also discussed there. Kevin Schmidt from VDACS and he, I don't know if you've heard yet, but the Governor has, not really the Governor but the assembly has put out 1.2 million dollars this year, which is a big increase from last year that is now available to various PDR programs in the state. We have to, essentially, file the paper work by October 21st to the state whether we want matching funds for the \$66,000 that we have. It was mentioned in the last meeting that we got money from the roll back taxes.

Mr. Adams: Based on the calendar, that is almost a decision that we would have to make tonight.

Mr. Lott: I think what we are doing, well, certainly you guys can...

Mr. Adams: Or do we even make that decision?

Mr. Lott: Well, you guys can certainly make a motion that you want to pursue this. I believe it is going to the October 4th Infrastructure Committee, the Board's Infrastructure Committee, I think basically they have to get the Board's approval to go after this money. I think we are starting this process with the intention of going ahead and doing it. Because even, I think there is a two year window to spend the money. So if we get it this year and don't spend it, at least we can bank and hopefully go after it again or maybe go for this as well as VCLF money and VDACS again next year and try to build this stuff up. So I think the intention is to file the paperwork but I think we are waiting to get approval from the Board. And that is basically where we are with that.

Mr. Coen: Okay.

Mr. Lott: If you have any questions on that.

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Mrs. Clark: I've got a question but it doesn't relate exactly to this but, the last time when we did our trial run we gave the money as a lump sum to Jerry, right?

Mr. Coen: Ummm hmmm.

Mrs. Clark: But what does the ordinance say right now? Does it talk about funding? I mean, about pay? Are we going to pay in a lump sum or do we pay over time? I remember we had huge discussions about this but I don't remember which way it went. I guess my question being or my statement being that, if we pay out over time then we can probably leverage that and probably buy more development rights. But I just don't remember how, I mean, I remember that we just questioned this over and over and over. I just don't remember how it ended up.

Mr. Lott: I certainly think, even if we go still with the basic process that we are doing. As a committee we should be looking at whether that amount still makes sense. You know, with the land values down.

Mr. Coen: Right, I want to put on the agenda for next month.

Mr. Lott: I think we would be overpaying to go with that amount now considering what we were doing last time.

Mr. Coen: The correction in the things that go before the Board.

Mr. Adams: Well you and I talked about that on Friday.

Mr. Coen: Yeah.

Mr. Adams: That in these current conditions, that thirty thousand per unit is probably too high of an offer for the County to be making.

Mr. Coen: Right.

Mr. Adams: Now, what's appropriate is...

Mr. Coen: That's why for next meeting I want to, especially if it is going to be October, and we will know by then, we will know if the Supervisors... I can't remember, I think that's the draft that we sent to them about changing the ordinance. It would probably be in there. That's okay, if you will just look at that and let us know.

Mrs. Clark: It is not something that has to be resolved tonight, I just thought maybe somebody would...

Mr. Coen: That will be another thing that we probably should look at next meeting is the overtime versus the bulk sum issue and how much money per unit issues. Because as you've all heard, it's a good thing to revisit once we get it. Anybody else have any other questions? I have a couple questions?

Mr. Adams: Especially with smaller money.

Mr. Coen: Right. Yeah.

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Mr. Adams: I mean, the way it is now, the best you could do is four lots.

Mr. Coen: Right.

Mr. Adams: If the money changed, we could get more lots. I don't know what the...

Mr. Coen: This may mercantile but I saw there was a surplus. Is any of that in our area?

Mr. Lott: Money that we have a chance to get?

Mr. Coen: Right. That would be interesting to know for next meeting is if it, I am not saying going after anybody else's, I am just saying, if we are having a surplus, is it in our area so we can be looking at it.

Mrs. Clark: Well, that is what the \$66,000 would be, isn't it?

Mr. Coen: It would be more. The \$66,000 was from this ending fiscal year.

Mrs. Clark: Okay.

Mr. Coen: So, if... I'm not sure, I'm just wondering if some of that surplus that's there is actually some of ours.

Mr. Lott: Yeah, I think I will talk to Kathy and talking to the people upstairs in Budget and they will be able to tell her right now what the running total is.

Mr. Coen: Yeah.

Mr. Lott: What is coming out of land use to this portion of the current fiscal year. But, obviously 6 million, not even close.

Mr. Coen: That's true but even if it bumps it from sixty-six to seventy. That means the matching would be, even that...

Mr. Lott: My understanding, what little I understand of the 6 million dollars is that they grossly underestimated the amount of the individual property tax, like cars.

Mr. Coen: Yes.

Mr. Lott: I think that is where a lot of that money came from. More people are splurging then they proposed; they budgeted very low.

Mr. Coen: Yep.

Mr. Lott: And it turned out better than expected.

Mrs. Clark: That is not a bad problem.

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Mr. Coen: And then, would it be helpful for this committee to have a motion tonight encouraging the Board of Supervisors to support applying for the matching state funds? Would that help the staff?

Mr. Lott: I think that would be appropriate.

Mr. Coen: Okay. Then I would like to make a motion that we encourage the Board of Supervisors to move forward with applying matching state funds. Is there a second?

Mr. O'Hara: Second.

Mr. Coen: Okay. Any discussion? Okay, all in favor say aye.

Mr. Adams: Aye.

Mrs. Clark: Aye.

Mr. O'Hara: Aye.

Mr. Coen: Aye. All opposed? Okay, cool. And then I am guestimating that the sub-committee meets before the regular meeting so it would be the 1:00 meeting?

Mr. Lott: Yes.

Mr. Coen: If you really, really, really want me to be there I will take a half day or something.

Mr. Lott: I will ask Kathy about that. If she feels it's appropriate, I mean, I know these tend to be very informal.

Mr. Coen: Right.

Mr. Lott: I mean, it is usually in here.

Mr. Coen: Cool. Just so I know.

Mr. Lott: It may be something that they talk about for thirty seconds.

Mr. Coen: Right. Yeah, if she feels I am needed, let me know.

Mr. Lott: Yes.

Mr. Coen: Alright, any other questions about funding? Okay. Next one is unfinished business, the Farmers Market Ordinance.

5. Unfinished Business

- Farmers Market Ordinance and Regulations

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Mr. Lott: I can just quickly say that this did go to the Board last week. I talked to Jeff about it, essentially, the motion...

Mr. Adams: Jeff?

Mr. Lott: Jeff Harvey.

Mr. Adams: Okay.

Mr. Coen: It went to the Board of Supervisors.

Mr. Lott: It went to the Board of Supervisors and it was on the consent agenda. Basically, the referendum as it was worded essentially sent it back to the Planning Commission and allows them to make edits as they see fit but it allows it to be in a collaborative effort with the PDR/Ag Commission. I believe the next meeting is October 5th and they would like someone from this Commission to be there for part of this discussion. It will be... Potentially it could be, unfortunately as Mr. Adams knows, many items on the agenda do not always get discussed during the 6:30 to 7:30 portion of the Planning Commission and unfortunately TDR is first on the agenda. Mr. Harvey was talking about getting this second because whatever does not get discussed before 7:30 gets pushed back to after whatever public hearings are scheduled for that night. So he was talking about, hopefully, getting that second, so if they get through it before 7:30. Otherwise, whoever of you who decides to come in could be there for a while if it doesn't get discussed before 7:30.

Mr. Adams: Yeah, because last time, I sat there and things were going along then traffic came to a halt.

Mr. Coen: No pun intended.

Mr. Adams: I told Kathy, look, I got to get up in the morning. I have to leave. I wanted to find out how the comedy show was going to end.

Mr. Lott: Unfortunately, I was there that night too.

Mrs. Clark: Can I ask whether you anticipate this being just a one shot deal? This will go on for... okay... So you don't see them hashing out the wording?

Mr. Lott: I don't expect that that it will happen all in one go and I can only speak from my own personal experience trying to get an ordinance through the Planning Commission since April. I believe the resolution gives them 120 days to make a decision. Now I would imagine that you would have two or three Planning Commission meetings before it will get scheduled for a public hearing.

Mr. Adams: I will tell you some of the things that I told them because, you know, because I did speak. One was the... they brought up the farmers market on 610 and I told them well I don't really consider that a farmers market. It may carry that name but I said to them, when people start bringing in pineapples and lemons and bananas, that there are people that actually think that is grown locally. So that was one thing that I told them. The other thing that I told them was that, I couldn't explain, but flea markets and farmers markets are mutually exclusive. Farmers want nothing to do with flea markets and it kind of, you may not be able to define it, but you know it when you see it. The third thing that I told them that kind of perked

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up their ears was from the sales tax point of view. When I packed up on Saturday morning and drive to Warrenton and sell \$1,000 worth, Fauquier County gets that sales tax, Stafford County does not get it. When I go to Dale City and sell \$500 worth or, you know, whatever it happens to be, that is where the money goes. It doesn't come to Stafford because that how it operates.

Mrs. Clark: Tell me how that happens because you just mail a sales tax check?

Mr. Adams: Yeah, when you do it right, you say well in Fauquier County I have this many sales and this much tax and in Prince William County I have...

Mrs. Clark: Oh, I always sell in Stafford so I don't have that issue.

Mr. Adams: You see, but I'm selling, in my case, in the City of Manassas, Prince William County, Fauquier County and Spotsylvania County.

Mrs. Clark: Right.

Mr. Adams: And we do pay Stafford County too because we sell from the farm. But my point is that the money is going five different ways and not...

Mr. Coen: Right.

Mr. Adams: And Stafford is getting none of the large amount of traffic that goes.

Mr. Lott: Stafford is losing out.

Mr. Adams: So those were the three things that I tried to stress and they has some questions and I did the best I could with answering them.

Mrs. Clark: Well I have to say that for the most part I am against government regulations and I hate the idea that Stafford County is going to try to micro-manage markets. I feel that the kind of regulations that we've been listening too are for an individual market to decide. I don't think... I just don't think that the ordinance or whatever comes out of the Planning Commission should be as detailed as we have it. I just... I hate that idea, I cannot tell you how much. I just feel like it is way to detailed and that you are going to end up with a market that can't for some reason have an exception, that has an exceptional situations and needs to solve it within their own governing board and that should have nothing to do with the County. But that's... I am just going to kind of put that forward.

Mr. Adams: After sitting through all that nonsense, I left feeling that they are going to micro-manage it and at the end of the day, I'm not going to have anything to do with it.

Mrs. Clark: Nope, I'm not either.

Mr. Adams: That's not my wish or hope but that was the impression that I got.

Mr. O'Hara: Can we maybe have one member from the Planning Commission to meet with one member from this group and try to hash something out? That we can... Rather than going through the forum...

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Mr. Lott: I can ask Kathy about that, I mean, I think this will have to go through the work session of the Planning Commission but if you can meet in advance then you can at least get a dialogue started, it could be helpful. We've done that with the ordinance that I am working on in the hopes to streamline the process.

Mr. Coen: I have a couple concerns. One is October 5th is next week. So that sort of... and I know we meet monthly, I am not criticizing; I am just concerned. We haven't gelled, I mean, I know Marty has specific items he wants to see in there. Gail has a feeling that we should make it as flexible as possible. So we as a body haven't congealed on our philosophy yet. So to go, in sort of, a week's time and start negotiating or discussing or whatever is going to be a little awkward. So I am just concerned that we are going to be able to do anything effective since we don't know exactly what we want.

Mr. Adams: I will volunteer.

Mr. Lott: Maybe you can come to the meeting and state that and it will just basically be sent to the next meeting.

Mr. Adams: I might even go to the meeting and stay. You are looking at... Come with me on a Saturday and we will visit three or four Farmers markets because you may not shop there. Actually come see what one is and realize what is going on and realize we wouldn't try to put it in a townhouse development where there are only two parking spots and that type of thing. You know, this is a... These aren't fly by night things, these are highly organized but you would never know it in the fifteen or twenty minutes that you are there.

Mr. Lott: The ordinance is trying to get them as a by right activities. I just hope they don't go down the CUP road that I've been going down.

Mrs. Clark: Well when Jeff and I met to get together to discuss whatever that last document was, I think we thought of this as a template. So if somebody came to the County and said we want to start a farmers market, this would have been something that the County could have handed them and this is a model that you could use or it is a starting point that you could use. We never expected it to be part of an official ordinance. Am I saying that right?

Mr. Coen: I understand why we need an ordinance. I mean, I understand that part but I think... So I had two concerns. At this juncture, one, all we can do is have somebody show up and say we would like to meet mano y mano and defer it to another meeting. And then have a sub-committee from one committee and one from another. There is nobody having to mitigate having to go there next week?

Mr. Lott: We can certainly talk to Kathy if that is really what you want.

Mr. Coen: My concern is that I teach Wednesday night, so I don't mind going but I have to cancel my class. And I would feel awkward doing that next week. You know, coming in tomorrow and saying this Wednesday, by the way next week we are not going. Just to say hey are they really going to do anything and especially for them to say that we could meet another day.

Mr. Adams: I don't mind going to the meeting.

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Mrs. Clark: I don't mind going too.

Mr. Coen: Do we want to feel out Kathy to see if it is possible to defer it automatically until we have a meeting one on one?

Mr. Lott: You can talk to Kathy. Mr. Harvey, mentioned today that they would like someone there if it was on the agenda.

Mr. Coen: Which makes sense, right?

Mr. Lott: He wanted it to be a collaborative, kind of, effort. If it is collaborative, it makes sense to have outside meetings and actually make it a collaborative effort. I don't know all the rules and how they are allowed to do all that.

Mr. Coen: So can you check with Kathy tomorrow morning on that and Jeff and see if... Our preference is to not have anybody have to go next week and since they have a hundred and some odd days. And so to defer that until we can have more collaboration one on one. And again, you can stress, I sort of feel awkward. I mean, Marty sent us his thoughts, which was excellent that he did but he is not here to advocate for them and we don't have Bob. And so I also sort of feel awkward that if we tonight said okay we all want, I go with Gail on this and I think Bob did too but if we just decided tonight to do it then Marty would be like, but I wasn't even there to say anything. And Bob might say, well... I just, sort of, feel awkward doing that.

Mrs. Clark: I feel like if we need somebody there that night, even if it is to stand up and suggest that we collaborate, I don't mind going and Jeff, you don't mind going.

Mr. Adams: I will go...

Mr. Coen: On the caveat that it is not such a long meeting, right?

Mr. Adams: No, I mean... no. As long as somebody, like you say if they come back and say no we will table it and we will work with them. As long somebody lets me know that, so that I am not...

Mr. Lott: I will make sure you know if it is going to remain on the agenda as something that is going to be discussed.

Mr. Adams: I will plan on coming.

Mrs. Clark: I would not mind hearing their ideas.

Mr. Adams: You know I will bring War and Peace and just...

Mr. Coen: I will get you a Nook and you can just... Okay, so is that sort of the feeling for that aspect, before we get into the nuance of where we stand. Do you understand what I am talking about?

Mr. Adams: Yes.

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Mr. Coen: I am not trying to dump on you.

Mr. Adams: No.

Mr. Coen: I just sort of feel awkward... we need to work with the Planning Commission. We appreciate that they want to move this forward. But we want to make sure we do it the right way.

Mr. Lott: Understandable.

Mr. Coen: I guess the next question is, if they agree to a one on one meeting, do we have anybody who particularly wants to be the surrogate?

Mr. O'Hara: Well, I think it depends who they want to propose from their side.

Mr. Coen: Yes.

Mr. O'Hara: Now, if they want someone outside this room, Mr. Hirons would be willing to be that person, I would be happy to as the Falmouth member to work with him. I don't know if that match up makes sense.

Mr. Coen: Right.

Mr. O'Hara: But he would have to show interest in it.

Mr. Coen: Okay.

Mr. Adams: Well since everybody knows where I stand, if I were to meet with them, that is not a conflict, per se, is it?

Mr. Coen: No.

Mr. Adams: Because I am just advocating for a farmers market.

Mr. O'Hara: We just can't have two of us meet with one of them or two of them meet with one of us.

Mr. Coen: At least three. Three or more.

Mr. O'Hara: If we could have two of them and two of us is the max.

Mr. Lott: Right. Usually when I go to sub-committee meetings for the Planning Commission, they usually have three Planning Commission members.

Mr. Coen: Okay. So if we get word that they have two, we can just put the word out and whoever is their two and our two and we will play a little two on two basketball.

Mr. Adams: All I can say is if I am called and asked I will do it, if I am not called I don't show up.

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Mr. Coen: Okay. Thank you. So we are done with that part of the farmers market ordinance. So now we move, I guess we can sort of pass out, unless you really want to wait until Marty gets back for the whole shebang. His ideas, I guess we can just talk in general or we can just... I hate to say defer it again but...

Mr. O'Hara: I will propose a counter...

Mr. Coen: Okay.

Mr. O'Hara: My proposal kind of goes along with what Gail is saying. I would like to see a very simple one page, twelve pitch font document that says three things. Who can sell, who can't sell just really getting down to the difference between a flea market and a farmers market. And you are expected to obey all laws and regulations of the Commonwealth and the County of Stafford. That is it. Rather than just a very detailed statement to regulate.

Mrs. Clark: You might want to make it say that your market is required, I don't know, it is suggested to form a governing board that produces your own regulations and that the County would like a copy of those or something like that. If they feel like they need to know what is going on.

Mr. O'Hara: So they should provide some sort of by-laws or rules...

Mrs. Clark: Rules and regulations.

Mr. Adams: Each market essentially forms their own by-laws. You know, will it be stuff grown in Stafford County only, will it be stuff that is only certified organic, will it be stuff that is whatever.

Mr. O'Hara: I think that if we set the... write in that it is not going to be a flea market, it is going to be a farmers market and just keep that to the minimum and just let the market committee decide if they want...

Mrs. Clark: Let them hash it all out.

Mr. Adams: The Planning Commission should have nothing to do with this.

Mrs. Clark: Yes, I agree.

Mr. Adams: Nothing at all to do with this.

Mr. Coen: Except this is Marty's...

Mr. Adams: I am sorry. This is Marty's, I am sorry.

Mr. Coen: That is okay.

Mr. Adams: Somebody like the Parks and Rec would get into... once the farmers market ordinance is there and the Board of Supervisors can say okay guys, we want you to form two markets in Stafford County and have them up and running by this date. That is when the Parks and Rec would have to get into the type of stuff like Marty has given us here. You know, we have got to get from the Planning Commission is micro.

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Mr. Coen: Well I am going to play Marty for a minute. The ordinance that we have in front of us that went to the Board of Supervisors sort of addresses what you are saying. It says farmers market, a building or structure or place used by two etcetera, etcetera, etcetera, which is pretty vague. So with that part we are okay with, I would think. Then the other issue that we... if we were to feel comfortable with this language that is already in here, then it sort of says what you want.

Mr. O'Hara: Well this language in here simply says that you have got to have at least two or more sellers which restricts someone in a townhouse putting a stand out in front of their house and attracting all this. We are looking at the ordinance.

Mr. Adams: Oh okay.

Mr. O'Hara: And then it says for the seasonal sale of agricultural, horticulture, aquaculture produce and accessory merchandise. It doesn't really talk about... I think what Marty was trying to get at is...

Mr. Coen: Right.

Mr. O'Hara: He restricted it more than I would... I think what we want to do is we want to give... make a market for the local farmers to sell their wares. And our thought was this not only being produce or beef or whatever is being produced on the farm, but I thought there was a thought amongst part of the Committee that if that farmer wanted to make Christmas wreaths or make whatever else as long as it was made with the produce of their farm then it was reasonable. What we didn't want was folks coming from Maryland coming over or outside the hundred mile mark or whatever it was, coming in and turn it into a flea market. So in some ways, I don't know that the ordinance really takes it as far as I think we probably want to set the minimum standard. But the rules that Marty drafted probably take it far beyond where we want to be. Does that make sense?

Mr. Coen: Yes. And I think, correct me if I am wrong on this, but if we set up and say that there is going to be a governing board, blah, blah, blah, blah, blah, etcetera, etcetera, etcetera. But we don't have any parameters that they could fall under in the ordinance, then they could do... they could as a governing board say okay we are going to do x. And that is sort of the reason why there need to be some type of parameter in there. Because if you leave it totally up to them... I think what's path is in front of us is they get to weed out the flea market type items. If you understand what I am coming from. If we make it totally bland and it just says, you know, these people can sell and these people can't and we will leave it up to the governing board then the governing board could just say well we are going to sell, you know toilet paper rolls and it would not really fit. So I think this language, am I correct in all this aspect?

Mr. Lott: Yes, this is really just sent down to the Planning Commission as a starting point.

Mr. Coen: Okay.

Mr. Lott: Nothing more.

Mr. Coen: Alright. We are sort of... we are okay... with this as a starting point we can whittle on this but we are really not for the specificity of Marty's.

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Mr. O'Hara: But I think the sense that I got was they or some other group is concerned that we weren't letting flea markets in. Is that going to be a concern?

Mr. Lott: I really have no idea.

Mr. Coen: The Supervisors sort of said the same thing that you mentioned and they brought it up... they keep getting concern that it may be a flea rather than farmers. And I think...

Mr. Lott: I think they would be more concerned about flea markets because the amount of people it can draw.

Mr. Coen: Yes.

Mr. Lott: And then they would have to pay more attention to the location and the traffic issues etcetera.

Mr. O'Hara: I just think we need to draw a line between the two.

Mr. Coen: Yes.

Mr. O'Hara: And I think that is sort of where we...

Mr. Adams: Here is the way... that is done through the rules though. I mean in a typical farmers market you sign up for the season. You are assigned a space for the season and that is yours from start to finish. Whereas a lot of flea markets are hey I am going to have a flea market here and I am selling spaces for ten dollars and whoever shows up can buy one and that is it.

Mr. Coen: Yes.

Mr. Adams: Whereas a farmers market... farmers markets actually start in January or February, where you apply to be into the market. You have to list everything... you have to tell them in January and February what you are going to sell.

Mr. Coen: Well I am going to play Devil's advocate, it doesn't... in the ordinance it says they have to find a spot for eternity... for a season as opposed to a flea market thing. So I guess that's something that we would need to be worried about.

Mrs. Clark: Because we did talk about the possibility of folks just coming in for a few weeks, if you just have sweet corn or something like that.

Mr. Coen: Right.

Mrs. Clark: Or if you just have strawberries.

Mr. Coen: But don't we have language...

Mrs. Clark: Oh they still have to apply.

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Mr. Coen: Does the county have language for a flea market? I forget.

Mr. Adams: Yes.

Mr. Lott: I am not a hundred percent sure.

Mr. Coen: Okay.

Mr. Lott: I can go get the ordinance if you want.

Mr. Coen: No that is okay.

Mr. Adams: Because remember when Shannon Howell tried to do it down there at the beach...

Mr. Coen: Yes.

Mr. Adams: ... they would let her have permit and they would have called it a flea market.

Mr. Coen: Right. Okay. So I guess, do we want to... like for example there is nothing in this ordinance so far about within a hundred miles or whatever. Do we want to...

Mr. Adams: That is a market rule more so than a...

Mr. Coen: Then again if it is not in the ordinance the governing board would not have to follow it.

Mrs. Clark: Can I interrupt you here. If farmers markets are accepted by-right then as long as they follow the ordinance the county cannot deny them.

Mr. Lott: No. I mean there could be other potential ordinances that could come into play, but no they would be allowed as a by-right activity so they could not just say no, you can't have one. But you know what ever other zoning regulations come into play, they have to basically...

Mrs. Clark: And you can't...

Mr. Lott: ... be responsible for every other ordinance...

Mrs. Clark: And you can't just say turn in your by-laws and somebody will approve them or not. You are not allowed to that either, right?

Mr. Coen: Right. Because you could do that, but unless you spell it out what could be denied then they have a good legal case. You denied me because of my hair color.

Mr. O'Hara: If it is on county property we could say give us your by-laws or we are not going to let you use it.

Mr. Lott: Yes.

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Mr. O'Hara: But if they want to go to Tom's vacant lot over in the corner east of main, then it is by-right as long as it is in that zoning area. So...

Mr. Lott: I don't know if you want to put in something that requires a zoning permit.

Mr. O'Hara: We want to keep this easy and inexpensive but we wanted it to probably belay any fears that we are creating a by-right use that is going to get out of control.

Mr. Lott: Yes.

Mr. O'Hara: Or cause problems. Isn't that really the lines we are trying to stay within?

Mr. Lott: Yes. I am sure that is what the conversation will be with the Planning Commission members.

Mr. O'Hara: I think it is important that we recognize that and try to work to that so when we walk in front of them we can get to dialogue going on that they understand that we understand what their concerns are.

Mr. Lott: I have not heard any specific concerns that any Planning Commission member has.

Mr. O'Hara: Well we could talk to our colleagues within our respective districts and just ask them what they are thinking.

Mrs. Clark: When you were at the meeting the other night, Jeff. What was their... were they pro or con the 610 market right now? I just... what did they say about...

Mr. Adams: The existing market? We never got into it other than I did not consider it a farmers market.

Mrs. Clark: Right. Well and I guess that is... I just wanted to know if they had any feelings about... I mean are we trying to legislate something that would deny that kind of a market?

Mr. Adams: I am not.

Mrs. Clark: I am not either. I mean if they have got permission to be up there from somebody, I don't care. If somebody wants to think that those pineapples are from Stafford, let the buyer beware I guess.

Mr. Coen: Okay, so these issues for whoever is on our joint committee, joint as in working together not as in agricultural growing. So far the... how specific to make what can and cannot. The hundred mile radius verses no radius or whatever. And then the biggie is going to be about zoning. Where can you put it, what can you do with it and they type of issue. I guess we will throw it out... just and again it is sort of to get a feel for the committee. So if you end of going next week and they say... ask you for a feel then you can say well we did discuss it we sort of felt that but we did not vote. And if we don't, whoever goes to the meeting can sort of advocate this sort of mentality. Is there a feel that we want to have this... to allow farmers markets only in certain areas or not in certain areas. I mean they listed a whole bunch of possibilities and I am not sure if you wanted to address any thoughts or concerns that you have. I am not trying to throw you under the bus.

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Mr. Lott: It is pretty much in most of the zoning districts except for the industrial zoning district.

Mr. Coen: And was that...

Mr. Lott: I don't... I wasn't...

Mr. Coen: I know.

Mr. Lott: I have not been involved in this since the beginning so I am not sure who... I assume Kathy wrote this ordinance but I was not party to it.

Mr. O'Hara: I thought it was taken from Spotsylvania.

Mr. Lott: I would imagine it came from somewhere.

Mr. Coen: And I guess...

Mr. Lott: It can be governed by where there is appropriate space, you know, road infrastructure to do one. You know.

Mr. Adams: But see here, here is the other thing because I am on that end and it is in the weeds. When we have a farmers market somewhere on Saturday or Sunday there are signs up, like the county or the city or whoever gets put up that says no parking in this lot from 3:00 AM Saturday morning until 2:00 PM...

Mr. Lott: Yes.

Mr. Adams: You know, and the market has the right to tow cars. So you are not just setting... because of things like that you have got work with the county. Hey we decided to have it in this parking lot and we are asking you can we put up a couple of signs that says the market is here. But you have got to have an empty space to go into and set up. You can't go into a parking lot and set one tent up between these three cars and then... no it is a well-orchestrated dance. As to how these things go up and come down the same day.

Mr. Coen: And I know... I guess one question I have for Kathy, if you could relay to Kathy...

Mr. Lott: Yes.

Mr. Coen: ... is sort of was there any... I just am curious what the thought process was to make some by-right and some exceptions. I mean some I can understand the different densities. But I am not certain, like the PD1 and the PD2s are by-right but then the suburban residential is special exemption. I could see people wondering why. I mean Argyle Hills we have an open area that people can walk to, why do I need a special exemption whereas Leeland can just do it by-right. So I am just curious to understand that and then where would... if somebody was like wow we could do one, we would like to do one but we would like to have it at the school, which one of these would that fall under or could it fall under?

Mr. Lott: Okay.

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Mr. Coen: Because that is one of the things that we had talked about, was trying to do it at schools.

Mr. Lott: Big parking lots.

Mr. Coen: Big parking lots, usually not used on Saturdays.

Mrs. Clark: Especially elementary.

Mr. Coen: Elementary and my brain is freezing... the one that is right near Leeland Station.

Mrs. Clark: Conway.

Mr. Coen: Conway, you could say Conway on a Saturday and it is in within walking distance for people. But I am not sure where that would fit. And I have already talked to Andre Newton way back when and he said sure. He checked and the school system was okay with it. So...

Mr. Adams: See that is what happens. Like a lot of them are commuter parking lots.

Mr. Coen: Yes.

Mr. Adams: Well guess what, Sunday morning at 6:30 when we roll in, I don't understand it but nobody parking there to go anywhere. You would think thousands of spots and they are all open. That is the kinds of places that they go to.

Mr. Coen: Yes.

Mr. Lott: VRE stations, nobody uses VRE on the weekend.

Mr. Coen: Well that is true and where would they fit under this? So those would be the questions I would ask if you would.

Mr. Adams: The City of Manassas has one on Saturday morning. I don't go there but we did last year. It is in the VRE parking lot right next to the train station.

Mr. Coen: Right.

Mr. Adams: Now you could never have that market there Monday through Friday.

Mr. Coen: Well maybe Friday.

Mr. Adams: But Saturday morning there is no problem at all because the lot is not used.

Mr. Coen: Okay.

Mrs. Clark: And that is something that might need to be in the ordinance.

Mr. Coen: Yes.

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Mrs. Clark: About negotiating with the county for... that is really wishy-washy language, but for a location.

Mr. Coen: Okay.

Mr. Lott: I will talk to Kathy about that.

Mr. Coen: Okay. So, I just want to particularly take a vote on these things since we are missing the other two members, but I think the people have... whoever either goes next week or and/or meets has some sort of a feel and I do... I think all read Marty's suggestions but at the next meeting he wants to revisit something. I think it is fair to allow him to at least bring it up because I know he feels passionately about some of these. I have gone through them and he has a lot of good merit but I leery of making it so specific that people will not want...

Mrs. Clark: Every market in Stafford would have...

Mr. Coen: But I do want to have...

Mr. Lott: I will convey that to Kathy the desire would be to have the ordinance as simple as possible and the market governed by the by-laws adopted by that market.

Mr. Coen: Right. With and understand that it may need some over views.

Mr. Adams: Because the other thing... if the county decides to have the Parks and Rec do it, then they can... you know they have a market the first year this worked that didn't well let's tweak this rule a little but, let's... you know we excluded this guy last year but he was a hundred and four miles out and we drew a line in the sand, let's look at... we could get twelve more vendors if we went to a hundred and fifty instead of a hundred. But if it is all in the ordinance...

Mr. Coen: Right.

Mr. Adams: Back to the damn Board to get something as simple as a hundred miles to a hundred and twenty-five miles changed.

Mr. Coen: Yes. Of course we all could go down to the UDA and say that we want as part of a UDA in the Courthouse area a farmers market. Okay any other discussion?

Mr. Lott: The best farmers market I have been to was Madison, Wisconsin. And it is completely around state hall.

Mr. Coen: Boston has the same.

Mr. Lott: That was a great farmers market.

Mr. Coen: At least it did when I was little.

Mrs. Clark: There are a lot of places that have great farmers markets.

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Mr. Coen: Right.

Mrs. Clark: I guess the question is how does...

Mr. Adams: Except for Stafford County.

Mrs. Clark: Except for Stafford County, that is true. Never called the cutting edge. I guess the question is how the neighbor counties started. You know that very beginning push. And we find that difficult to...

Mr. Coen: Plant that first seed.

Mr. Lott: No pun intended.

Mr. Coen: No pun intended. And then you have to water it and watch it.

Mr. Lott: Fertilize it and make it grow.

Mr. Coen: Right. Okay, any other new business?

Mrs. Clark: I do have one little thing. I was asked to ask you... this has nothing to do with what we have been doing tonight. Sort of a side bar, but it does... we have talked a little bit about TMDL.

Mr. Adams: Total Maximum Daily Load.

Mrs. Clark: Daily Load of nutrients. Okay.

Mr. Coen: Okay, that is right.

Mrs. Clark: I have asked... the county government to receive communication from DEQ with an outline to implement Phase 2 of the WIP, the Water Improvement Program.

Mr. Lott: The WIP, Water Improvement Plan.

Mrs. Clark: Yes, okay. This is the plan that DEQ and EPA agreed upon to comply with TMDL goal. There is a chart of options that the county can pick from and the question was, what... has Stafford decided on an option and what is it?

Mr. Lott: To my knowledge, no. We really are not that far along. I think the last time I talked they were still... there are sort of allocations that are being assigned to each jurisdiction within the watershed. I am not even sure we have got those yet. You know what... I think they are having issues within the greater overall model and trying to allocate nutrient loadings to each county.

Mrs. Clark: So nothing right now to speak of.

Mr. Lott: No this was supposed to be, I think the deadline is in December so you know we are definitely under a gun to get... to do this.

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Mr. Coen: Well weren't we supposed to have like a presentation or something?

Mrs. Clark: Well, yes. I think Bob had talked about...

Mr. Coen: Right.

Mrs. Clark: ... giving it to us and then said everything was so vague at the moment that there wasn't a whole lot that he could do.

Mr. Coen: Right.

Mr. Lott: Certainly we can have our own, I think Steve Hubble and his group in Code Enforcement is going to be the one I think primarily doing this right now.

Mr. Adams: They sure did have a big discussion about that at the Planning Commission meeting in a roundabout way the other day. I think it was the thing that you were involved with, down there on Nelson Crocker's farm, wanting to put in...

Mrs. Clark: Wetlands.

Mr. Adams: ... a wetlands bank and stuff. And oh my god that, you know you are rewarding the farmer... you are rewarding the lousy farmer for... oh yes. She saw that as a reward. Now wait a minute, wait a minute. If you are going to do...

Mrs. Clark: Take these acres out of production...

Mr. Adams: They are going to take all this wetland out here and you are going to let him build a road to go from this side of the farm to that side of the farm. And it was...

Mrs. Clark: Is this the same person we were talking about before?

Mr. Adams: Yes.

Mrs. Clark: Yes.

Mr. Adams: Yes, It just... but...

Mr. Coen: I guess I would... let me throw it this way. What can this Committee do help? If we are under a gun by December and we are already pushing October...

Mr. Lott: I can ask Steve Hubble if there is something he can envision you guys being involved in. I certainly could ask if he would be willing to come and speak with you as they move forward so you guys are aware of what steps the county is considering putting into our WIP.

Mr. Coen: Right. Seriously this is twofold. One is there is loads of stuff floating around in... no pun intended. There are loads of issues that are before the Board and before different Committees that this may not be a number one priority. But if there is a consequence for us not doing something, I am afraid

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of it falling through the cracks. That is one. The second issue is, if the overarching thing about this is going to impact what few farmers and agriculture we have in the county, I think we need to advocate for them.

Mr. Adams: Yes.

Mr. Coen: And if this... if there are other things... if this one issue sort of has different chutes like the other, like he was bringing up maybe this is something we need to look at as we are, one of our tasks is to promote agriculture and if this concern has a peripheral way of hurting agriculture maybe we need to be more proactive. I just sort of think we need to... maybe we need to step it up on this because we will get a bigger picture if... nothing against that body but that body is sort of looking at it from this mindset. Another body may be at this mindset and we are looking at it from an agricultural standpoint. Maybe we need to get informed so we can advocate for these people.

Mr. Adams: Yes, because the big thing came out was a farmer being rewarded for onerous behavior.

Mr. Lott: For being bad stewards of the land essentially.

Mr. Adams: Yes.

Mr. Lott: That even though...

Mr. Adams: He was being rewarded...

Mr. Lott: ... out at the Crocker farm...

Mrs. Clark: Even though he is putting a zillion acres in wetlands?

Mr. Lott: In the Crocker Farm, the Potomac Run has been... it has not had any trees next to it since the 1930s.

Mrs. Clark: Oh.

Mr. Lott: I did speak with Dianne Byer, she used to be with Tri-County Soil, a manager. She now works for DCR and we met with her last week or the week before. You know they are still pushing, you know, to get localities to start actually start enforcing the Chesapeake Bay Code relating to agriculture. You've actually worked with them so I don't know... working with the local jurisdictions in relation to the Chesapeake Bay Act, which kind of gets towards TMDL as well, but those portions of the Chesapeake Bay Act are to be enforced. That is something that they are leaning on us to do. So I have to sit down with my boss and higher ups and how far we want to actually start doing this stuff. I mean really all it is, is a diagram to get an idea of who is actually farming...

Mr. Coen: Yes.

Mr. Lott: ... what kind of BMPs you have on your property...

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Mrs. Clark: Remember when Bob was talking about if we could get those surveys done and the audits done from soil and water for everybody. Just to have them on file, that would show compliance and would not that be a good way to spend...

Mr. Lott: That is kind of what we were talking about.

Mrs. Clark: ... money.

Mr. Lott: Taking the grant money to hire someone to go out and do these things.

Mrs. Clark: Right.

Mr. Adams: When you start getting into this stuff, and when I say you I am not talking about you personally. I am talking about the county, you. The county does not know who is farming and who is not.

Mr. Lott: I got frustrated the other day because... about inefficiencies. We have... the sheets you guys fill out to be in land use. You have those boxes that you check off that you are in hay or you are in this or that. So I thought I would get this process started, I will go upstairs to the Commissioner of the Revenue. I have a list of everybody that is in land use, I can see on the computer screen that they say that they are doing X and Y. So he gives me the list and I am like, well where is the column with X and Y? I can't generate that. I am like what do you mean you can't generate that. You are giving me a list of literally hundreds and hundreds of parcels and there is probably only a few dozen that I really care about. Why can't you generate that list for me? Oh I can't do it.

Mrs. Clark: Well, just a couple of things I can think of, there is a FSA list and also Farm Bureau doesn't have every, obviously, farmer in the county. But we do have it listed by producer member and non-producer member. So just have a list of Farm Bureaus producer members, which is couple hundred, that might be... I mean it is not the end all be all obviously, because everybody is not a Farm Bureau member, but it does give you...

Mr. Adams: In a lot of counties, the county would have to go one of four places to get the information that they don't have that is out there. They need to go to the Extension Service, which they can't do in Stafford County because Guy Mussey doesn't know.

Mrs. Clark: He doesn't have any idea who farms. Now John Howell may have some idea.

Mr. Adams: John would know, but he is in Spotsylvania.

Mrs. Clark: But he is in Spotsylvania, I understand that.

Mr. Adams: Farm Bureau, because like you say you are either a producer member or a non-producer member. Then there is the State Soil and Water Conservation District or the USDA Service Center, where they have got FSA and the CREP Program and all that stuff. And the last place you could go if generally speaking is probably not a farmer in the county that is farming that doesn't know of three or four other people doing what he is doing.

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Mrs. Clark: That is true.

Mr. Adams: Because Doctors tend to know other Doctors. Lawyers tend to know other Lawyers. You know, farmers are the same way.

Mrs. Clark: And you take two or three people from White Oak and two or three people Hartwood and sit them down and they could generate a fairly decent list.

Mr. Lott: Maybe I need to do that. It is just something that I don't know how strong DCR is going to lean on us to do some of these things. I mean they act like it, but it has not been done since 1989. I think we used to have a pretty...

Mrs. Clark: How effective are they?

Mr. Lott: They used to have a better relationship with the Soil and Water District here and we would actually have a better data base and list and idea who was doing what and what their BMT were on their properties, but that's has not been happening for a long time.

Mr. Coen: Okay.

Mr. Lott: And that is going to go a long way towards the TMDLs. Knowing what people have out there, because if it is being under estimated in the model, then you are essentially punishing the farmers for not doing enough and they might be doing more then we know.

Mrs. Clark: And that is true. And I would say that in Stafford County where you have a lot of land in hay and pasture. You are going to have less problems than tons of row cropping. Now we have got more row cropping going on this year, but because the prices are up. But the reality is I firmly believe that development does much more damage than farming in Stafford County.

Mr. Lott: I think that is probably a bigger fear for the county, dealing with stormwater retrofit.

Mr. Coen: Yes.

Mr. Lott: I think that is a big fear.

Mrs. Clark: Well yes.

Mr. Adams: I can tell you just by doing the math. You know homeowners, when they go and fertilize their lawn have pretty much got one choice. They can go to Home Depot and buy a fifty pound bag and they figure since they have bought it they are going to use it all.

Mrs. Clark: They are going to use it.

Mr. Adams: Yes. Now they may only need four or five pounds of the fertilizer in that bag...

Mrs. Clark: And they may not need ten-ten-ten.

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Mr. Coen: Right.

Mr. Lott: They may not need any phosphorous.

Mr. Adams: But you don't expect them to keep that bag in their garage for ten years and just put out three cup fulls a year. They are going to put it all out at one time.

Mrs. Clark: Verses if you are buying it by the ton, you better believe you are only going to use...

Mr. Lott: What you need.

Mrs. Clark: ... what you need and you have probably done soil test at least every couple of years. I think you are much more careful when you are...

Mr. Adams: A farmer can pull out fifty sheets and show you field by field what he has done on each one of them.

Mr. Coen: Okay. Any other new business?

6. Next Meeting

• **October 24, 2011 Regular Meeting**

Mr. Coen: Okay we are looking at, for the next meeting, I will put it under the status of the farmers market and the Planning Commission and all that. The next meeting will be October 24th. Funding issues, there are two of them. What happens with the BOS and the matching funds with us and then what about the surplus?

Mr. Lott: I have no idea about the surplus.

Mr. Coen: And then the other one would be, we need to have a discussion about the unit price or whatnot.

Mr. Lott: Okay.

Mr. Coen: In part because if we have to alter the ordinance, I think we do, I think it is in the ordinance as thirty thousand. Then we need to do it in a timely enough manner, even though we have got two years for the matching funds. It is a longer process, so we need to discuss it. Now that can wait until the one meeting after next, if we need to. And then whether or not Marty wants to do anything. And then we need to at some meeting wrap our heads around this TMDL. Anybody else have anything? Okay. Do we have a motion to adjourn?

Mr. O'Hara: So moved.

Mr. Coen: A second?

Mr. Adams: Second.

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Mr. Coen: All those in favor of adjourning say aye.

Mr. Adams: Aye.

Mrs. Clark: Aye.

Mr. O'Hara: Aye.

Mr. Coen: Aye. Opposed? Okay. Thank you

7. Adjournment

With no further business to discuss, the meeting adjourned at 8:05 p. m.